HONOLULU CITY COUNCIL
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'24NOV15 PM 4:56 CITY CLERK

MEMORANDUM

DATE: November 15, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning and the Economy

FROM: Esther Kia'āina, Chair
Committee on Planning and the Economy

SUBJECT: Kia'āina Proposed Amendments to Bill 64 (2023), FD1, CD1, for the Committee on Planning and the Economy Meeting on November 21, 2024

Attached for consideration by the Committee on Planning and the Economy at its meeting on September 26, 2024, are my proposed amendments to Bill 64 (2023), FD1, CD1, relating to land use regulations.

Attachments (1):

Amendment Form, Bill 64 (2023), FD1, CD1, Relating to Use Regulations

COUNCIL COM. 286
P&E

AMENDMENT FORM
Bill 64 (2023), FD1, CD1
Relating to Use Regulations

TOTAL PAGES: 10

DATE: November 15, 2024

COUNCILMEMBER: Esther Kiaʻāina

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	SECTION 3	§ 21-5.20(c) Use classification Special use permits from the DPP Director	2	Delete provisions regarding special use permits from the DPP Director.	[~~(c) A person wishing to conduct a land use that is not permitted in Table 21-5.1 as a principal use must submit a written application to the director that describes the proposed land use, the property on which the land use is proposed, and the reasonably foreseeable impacts of the proposed land use on the surrounding areas. The director shall review the application and may require the submission of additional information relevant to the director's decision. After reviewing the application and any additional information requested by the director, the director may:~~ ~~(1) Determine that the use falls within the definition of a land use identified in Table 21-5.1 and regulate the use according to the applicable requirements;~~ ~~(2) Determine that the use is not a land use regulated under Table 21-5.1 and allow the proposed use as a principal use of the property if the proposed use is not likely to have significant, adverse impacts on nearby properties;~~ ~~(3) Determine that the use is not a land use regulated under Table 21-5.1 and require a special use permit for the use approved by the director if it appears that the impacts associated with the proposed use may be adequately mitigated by permit conditions; or~~ ~~(4) Determine that the use is not a land use regulated under Table 21-5.1 and deny the application if the impacts of the proposed use are not able to be adequately mitigated, if allowing the use will undermine the purposes of the underlying zoning district, or if allowing the use may cause the comprehensive zoning scheme established by the chapter to be viewed as arbitrary or unreasonable.~~]	Delete provisions regarding special use permits from the DPP Director.
2	SECTION 3	Table 21-5.1 Table of Permitted Uses Commercial use category Outdoor recreation subcategory Nature-based recreation entry	8	Amend nature-based recreation entry.	Nature-based recreation | Cm*/C* | -- | Cm*/C* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.70-8(c)	Add "Cm*" (in addition to "C*"
3	SECTION 3	Table 21-5.1 Table of Permitted Uses Miscellaneous use category Joint development entry	10	Add new joint development entry	Joint development | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | Cm* | § 21-5.90-2	

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4	SECTION 3	§ 21-5.40-4(b) Agricultural uses Accessory agricultural Agritourism standards	15	Amend agritourism standards.	(b) *Agritourism minor and major – standards.* (1) Activities and improvements on the zoning lot may not diminish the long-term agricultural potential of the zoning lot. Improvements on the zoning lot used for agritourism must be capable of removal without unreasonable cost or effort. (2) Structures primarily dedicated to agritourism must not exceed 10 percent of the total zoning lot area. (3) Buildings and structures associated with agritourism that are not required as part of crop production or livestock and poultry keeping on the zoning lot are limited to 10,000 square feet of total floor area. (4) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the agritourism use is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping. (5) Accessory destination events, including weddings, are subject to the following: (A) Events must take place at a designated event space; and (B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that the total floor area must not exceed 1,000 square feet. (6) Bus, jeep, or off-road vehicle tours using motorized vehicles, including an all-terrain vehicle (ATV), quad, four-wheeler, off highway motorcycle, or any other all-terrain or four-wheel drive vehicle, may only be conducted on a currently operational farm or ranch engaged in crop production or livestock and poultry keeping, and require a major conditional use approval subject to the following standards: (A) Tours must have an educational purpose related to the agricultural use of the property; and (B) Tours may not interfere with surrounding farm or ranch operations.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
5	SECTION 3	§ 21-5.40-4(c) Agricultural uses Accessory agricultural Farm dwelling standards	16	Amend farm dwelling standards.	(c) *Farm dwelling – standards.* (1) Each farm dwelling (including eaves, overhangs, carports, garages, trellised areas, stairways, decks, storage sheds that are not used in connection with agricultural activities, and swimming pools) must be contained within an area not to exceed 5,000 square feet, confined to a polygon for which no exterior angle is greater than 180 degrees. (2) In the AG-1 zoning district, the number of farm dwellings must not exceed one for every 5 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit. (3) In the AG-2 zoning district, the number of farm dwellings must not exceed one for every 2 acres of zoning lot area; provided that a maximum of two farm dwellings are permitted on a zoning lot unless approved by the director through an agricultural site development plan or agricultural cluster permit. (4) Crop production and livestock and poultry keeping must occupy a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping, and valid agricultural dedication status must be maintained [~~through an agricultural easement or similar legal encumbrance~~] for as long as the farm dwelling use continues[~~-~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.

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6		§ 21-5.40-4(f) Agricultural uses Accessory agricultural Agricultural farmers market standards	18	Amend agricultural farmers market standards.	(f) *Agricultural farmers market – standards.* (1) Hours of operation are limited to between 6:00 a.m. and 8:00 p.m. (2) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the agricultural farmers market is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
7	SECTION 3	§ 21-5.50-2(a)(2) Residential uses Group living Small State regulated group living standards	20	Amend small State regulated group living standards.	(2) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the small group living that is State regulated is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
8	SECTION 3	§ 21-5.50-2(b)(1) Residential uses Group living Small not State regulated group living standards	20	Amend small not State regulated group living standards	(1) In the AG-2 zoning district, group living activities must be of an agricultural nature. A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the small group living that is not State regulated is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
9		§ 21-5.50-3(b)(2) Residential uses Accessory residential Home occupation standards	25	Amend home occupation standards.	(2) *Limitations on home occupations:* (A) [~~If specifically permitted as a principle use in the underlying zoning district, commercial~~] Commercial beekeeping may be a home occupation, subject to the standards of this subsection[~~.~~] and the animal nuisance provisions in § 12-2.5(b). (B) Items sold on the property are limited to items produced by the home occupation.	For commercial beekeeping as a home occupation, deletes the requirement that beekeeping be permitted as a principal use in the underlying zoning district.

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10		§ 21-5.50-3(b)(4) Residential uses Accessory residential Home occupation standards	26	Amend home occupation standards.	(4) *Employees:* (A) [One] In addition to the household member engaging in the home occupation, one employee of the home occupation may be on the property at any given time. (B) For home-based childcare, in addition to the one employee of the home occupation[,] who is allowed on the property at any given time under paragraph (A), if an emergency renders unavailable the principal caregiver who is a household member, an additional employee may be on the property on a temporary basis to substitute for the principal caregiver.	Clarifies that the one employee of the home occupation that may be on the property at any given time is in addition to the household member engaging in the home occupation. Clarifies that for home-based childcare, in addition to the one employee who is allowed on the property at any given time, if an emergency renders the principal caregiver unavailable, an additional employee may be on the property on a temporary basis to substitute for the principal caregiver.
11	SECTION 3	§ 21-5.60-1(a)(3) Public, civic, and institutional uses Assembly Small, medium, or large meeting facility standards	29	Amend small, medium, or large meeting facility standards.	(3) In the AG-2 zoning district: (A) A minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the meeting facility is in operation[.], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping. (B) The maximum capacity for a meeting facility is 500 individuals.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
12	SECTION 3	§ 21-5.60-3(a)(4) Public, civic, and institutional uses Educational PreK-12 school standards	36	Amend PreK-12 school standards	(4) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the PreK-12 school is in operation[.], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.

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13	SECTION 3	§ 21-5.60-6(a)(3) Public, civic, and institutional uses Utility Small wind energy generation standards	40	Amend general small utility standards	(3) *Wind energy generation.* (A) A wind energy generation facility is considered a small utility if it is located within the agricultural, residential, apartment, apartment mixed-use, business, business mixed-use, resort, or preservation zoning districts, and has a rated capacity of no more than 15 kilowatts. (B) A rooftop wind energy generation facility is considered a small utility if it is accessory to a principal use permitted in the underlying zoning district on the same zoning lot. (C) For a ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips must not be lower than 15 feet from ground level, unless enclosed by a fence a minimum of 6-feet in height, and must not be within 7 feet of any roof or structure unless the blades are completely enclosed by a protective screen or fence. (D) A small wind energy generation facility must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (E) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the small wind energy generation facility is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
14	SECTION 3	§ 21-5.60-6(b)(3) Public, civic, and institutional uses Utility Medium wind energy generation standards	42	Amend medium wind energy generation standards.	(3) *Wind energy generation.* (A) A wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed-use zoning districts, and has a rated capacity of no more than 99 kilowatts. (B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence. (C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades. (D) All guy wires must be anchored onsite and outside of any right-of-way, equipped with safety devices that will prevent them from being climbed, and securely fastened. (E) A medium wind energy generation facility, whether mounted on the ground or on a structure, must be set back from all property lines at a minimum distance equal to the height of the facility. Height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) In the AG-1 and AG-2 zoning districts, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the medium wind energy generation facility is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.

15	SECTION 3	§ 21-5.60-6(c)(2) Public, civic, and institutional uses Utility Large wind energy generation standards	43	Amend large wind energy generation standards	(2) *Wind energy generation.* (A) Large wind energy generation facilities are not permitted in the preservation, residential, apartment, apartment mixed-use, business, business mixed-use, resort, industrial, and industrial mixed-use zoning districts. (B) For any ground-mounted wind energy generation facility, the tower climbing apparatus and blade tips of the facility may not be lower than 15 feet from ground level, unless enclosed by a 6-foot high fence, and may not be within 7 feet of any roof or structure, unless the blades are completely enclosed by a protective screen or fence. (C) A public safety sign must be posted at the base of the wind energy generation facility warning of high voltage and dangerous moving blades. (D) All guy wires must be anchored onsite and outside of any right-of-way, and equipped with safety devices that will prevent them from being climbed, and must be securely fastened. (E) Large wind energy generation facilities must be set back as follows: (i) From all property lines a minimum distance equal to the height of the facility; and (ii) From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort zoning districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater[~~.~~]; provided that the setback requirements of this paragraph do not apply to the repair, maintenance, or component replacement of any large wind energy generation facility with approved land use permits that were legally established on the effective date of this ordinance, during the term of the facility's continuous and uninterrupted power purchase agreement approved by the State Public Utilities Commission; provided further that the repair, maintenance, or component replacement of the facility during the stated period is limited to an increase in the height of the facility up to a maximum height of 575 feet, and the facility must operate under and within the scope of its approved land use permits, including any minor modifications (to account for an increase in height), but not including any major modifications thereto. For purposes of this paragraph, height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower. (F) [~~With regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's conditional use permit application:~~] Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) applicable to legally permitted dwelling units in proximity of the facility that exist on the submission date of the facility's conditional use permit application. Software models (such as WindPro or iNoise) must demonstrate conformity with the following shadow flicker and noise restrictions: (i) No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing [~~occupied buildings;~~] legally permitted dwelling units; and (ii) During normal operation, facility noise levels may not exceed [~~10 dBA above ambient sound levels at existing occupied buildings.~~ ~~Prior to the issuance of a conditional use permit for the facility, the applicant shall submit to the department site-specific data (such as weather, topography, and turbine operating characteristics) using software models such as WindPro or iNoise, demonstrating conformity with shadow flicker and noise restrictions.~~] applicable State Department of Health community noise control standards, as set forth in Hawaii Administrative Rules Chapter 11-46. [~~(G) For large wind energy generation facilities with approved land use permits that were legally established on the effective date of this ordinance, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility as follows:~~ ~~(i) By an incremental amount not to exceed 7 percent of the original height of the facility; or~~ ~~(ii) Up to a maximum height of 575 feet;~~ ~~whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Any increase in height pursuant to this paragraph will not be deemed to increase the facility's setback nonconformity.~~] (G) In the AG-1 and AG-2 zoning districts, except for areas of the zoning lot that encompass the large wind energy generation facility footprint, including areas that contain infrastructure and equipment to support the facility, and areas that have been dedicated to the protection of endangered species and their habitats under federal or State of Hawaii	Amend large wind energy generation facility standards.

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					laws, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the large wind energy generation facility is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, business plan, and timeline to engage in crop production or livestock and poultry keeping.	
16	SECTION 3	§ 21-5.70-1(a)(3) Commercial uses Daycare Child daycare standards	46	Amend child daycare standards	(3) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the child daycare is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, and business plan to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
17	SECTION 3	§ 21-5.70-1(b)(2) Commercial uses Daycare Child daycare standards	47	Amend adult daycare standards	(2) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the adult daycare is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, and business plan to engage in crop production or livestock and poultry keeping.	For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan.
18	SECTION 3	§ 21-5.70-7(b) Commercial uses Personal service Minor and major animal care standards	71	Amend minor and major animal care standards.	(b) *Animal care, minor and major – standards.* (1) All structures and facilities associated with keeping animals overnight must [~~be~~] either: (A) Be set back a minimum of 100 feet from any adjoining zoning lot[~~.~~] in the residential, apartment, or apartment mixed-use zoning district; or (B) Be fully enclosed, soundproofed, and air-conditioned if it is within 100 feet from any adjoining zoning lot[~~.~~]in the residential, apartment, or apartment mixed-use zoning district. [~~(2) Animal shelters and areas must contain the kept animal securely and keep other animals from entering the enclosure.~~ ~~(3) The use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals is prohibited.~~ ~~(4)~~](2) [~~Associated~~] In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned, and odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks. [~~(5)~~](3) Except for occasional and infrequent incidents, animal noises must not be detectable from common areas within a building, abutting properties, or public areas such as streets and sidewalks. [~~All animals kept overnight must be located in a fully-enclosed, noise-attenuated structure.~~ ~~(6)~~](4) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs. [(7) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.] [~~(8)~~](5) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock and poultry keeping must be dedicated to crop production or livestock and poultry keeping [~~through an agricultural easement or similar legal encumbrance~~] for as long as the minor or major animal care is in operation[~~.~~], as evidenced by a farm plan that shows the area and percentage of the zoning lot to be in active agricultural use, and information about a farm or ranch's resources, goals, and business plan to engage in crop production or livestock and poultry keeping.	Provides two options for structures and facilities associated with keeping animals overnight. For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan. Deletes requirements regarding secur

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<tr><td>19</td><td></td><td>§ 21-5.70-8(c)
Commercial uses
Outdoor recreation
Nature-based recreation standards</td><td>73</td><td>Amend nature-based recreation standards.</td><td>(c) Nature-based recreation – standards.
(1) In the AG-2 zoning district, a minimum of 51 percent of the zoning lot area must be dedicated to crop production, livestock keeping, or passive undeveloped recreational areas, such as natural open space, forests, and trails, [<s>through an agricultural easement or similar legal encumbrance</s>] for as long as the nature-based recreation is in operation[<s>.</s>], as evidenced by a farm plan or recreational plan that shows the area and percentage of the zoning lot to be in active agricultural use or passive undeveloped recreational use, and information about a farm, ranch, or recreational area resources, goals, business plan, and timeline to engage in crop production, livestock and poultry keeping, or for passive recreational purposes.
(2) The overall density for cabins must not exceed one cabin per acre, and no kitchens or wet bars are allowed.
(3) For horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be set back a minimum of 100 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use zoning districts.
(4) A minor conditional use permit is required if the nature-based recreation activity does not include overnight stays. A major conditional use permit is required if the nature-based recreation activity includes overnight stays.</td><td>For the 51 percent requirement, deletes reference to an agricultural easement or similar legal encumbrance, and instead requires a farm plan or recreational plan.</td></tr>
<tr><td>20</td><td></td><td>§ 21-5.90-2
Miscellaneous uses
Joint development use – standards</td><td>84</td><td>Add new joint development standards</td><td>§ 21-5.90-2 Joint development of two or more adjacent zoning lots.
(a) Whenever two or more adjacent zoning lots are developed jointly in accordance with this section, they will be considered and treated as one zoning lot; provided that whenever the zoning lots involve two or more zoning districts, the lots will be subject to § 21-4.50.
(b) An owner, owners, duly authorized agents of the owners, or duly authorized lessees holding leases with a minimum of 30 years remaining in their terms of adjacent zoning lots who believe that joint development of their properties would result in a more efficient use of land shall apply for a minor conditional use permit to undertake the joint development.
(c) When applying for a minor conditional use permit for joint development under this section, the applicants shall submit to the director a joint development agreement that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of joint development proposed in such a way that there will be conformity with applicable zoning regulations. The development standards listed in § 21-2.90-2(c) may not be modified through a conditional use permit for joint development unless allowed through another discretionary approval. The right to enforce the agreement will also be granted to the city. The joint development agreement is subject to the approval of the corporation counsel of the city.
(d) If the director finds that the proposed agreement assures future protection of the public interest and meets the requirements for issuance of a conditional use permit, the director shall issue the conditional use permit. Upon issuance of the permit, the joint development agreement, which must be one of the conditions of the conditional use permit, must be recorded as a covenant running with the land with the State bureau of conveyances or the land court of the State of Hawaii, or both, as appropriate. Proof of such recording in the form of a copy of the covenant certified by the appropriate agency must be filed with the director prior to the issuance of any building permit.</td><td>Add new joint development standards.</td></tr>
<tr><td>21</td><td>SECTION 65</td><td>Table 21-9.6(A)
Waikiki Special District Precinct Permitted Uses and Structures
Residential uses
Home occupation</td><td>187</td><td>Amend Table 21-9.6(A), residential uses category, home occupation entry</td><td><table><tr><td>Home occupation</td><td>[<s>P*</s>] Ac*</td><td>[<s>P*</s>] Ac*</td><td></td></tr></table></td><td>Amend Table 21-9.6(A) relating to the home occupation entry, to change "P*" to "Ac*" in the Apartment and Resort Mixed Use Precincts of the Waikiki Special District.</td></tr>
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Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
22	SECTION 71	§ 21-10.1 Definitions	197		***Agricultural Processing.*** Processing Hawaii-grown crops and Hawaii-raised animal-related products (grown or raised onsite or offsite) in their original form, such as washing, cutting, bundling, and packaging, which are essential to supporting a variety of agriculture uses for distribution to storage structures or wholesale and retail markets. The term does not include the processing of packaged food or drink products (see food manufacturing and processing). See also agricultural collection and storage. (1) ***Minor:*** Processing Hawaii-grown crops and live Hawaii-raised animal by-products (grown or raised onsite or offsite) such as milk, eggs, [~~and~~] honey[~~.~~], and aquaculture harvests. In the agricultural zoning districts, the term includes the processing of Hawaii-grown crops grown onsite or offsite to produce malt beverages, distilled spirits, or wines, of which at least 51 percent are Hawaii-grown ingredients other than water. (2) ***Major:*** Slaughtering and processing of dead Hawaii-raised animals and associated by-products."	Amend the definition of minor agricultural processing to add aquaculture harvests as an example.
23	SECTION 71	§ 21-10.1 Definitions	198	Amend definition of minor and major animal raising.	***Animal Raising.*** Agricultural establishments primarily engaged in commercial livestock and poultry keeping or feeding as a principal use. (1) *Minor:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. The term includes small commercial animal operations such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees, and rabbits. The term does not include feedlots (see major animal raising), the boarding and care of household pets [~~owned by other persons~~] (see animal care), or animal shelters (see animal care). (2) *Major:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. The term includes piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms. The term also includes feedlots, defined as any animal feeding operation that concentrates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets [~~owned by other persons~~] (see animal care) or animal shelters (see animal care)."	Amends the definition of minor and major animal raising, to provide that the term does not include the boarding and care of household pets (deletes reference to "owned by other persons."
24	SECTION 71	§ 21-10.1 Definitions	199	Amend definition of agritourism.	***Agritourism.*** Accessory agricultural-related tourism for recreational or educational purposes on zoning lots primarily used for ongoing crop production or livestock and poultry keeping. Agricultural-related tourism activities include kayaking, hiking, mountain biking, boating, horseback riding, ziplining, and picnicking. The term includes accessory destination events, such as weddings. The term does not include agricultural-related tourism for entertainment purposes, including luaus and performance-related shows.	Amends the definition of agritourism to provide that the term does NOT include agricultural-related tourism for entertainment purposes, including luaus and performance-related shows.
25	SECTION 71	§ 21-10.1 Definitions	211	Amend definition of general outdoor recreation.	***Recreation, General Outdoor.*** Facilities for outdoor recreation and enjoyment, including for entertainment and related activities, that involve activities overseen by a manager or operator, and may include motorized activities. The term includes amusement parks, batting cages, drive-in theaters, go-cart or vehicle racetracks, golf driving ranges, miniature golf courses, outdoor sport facilities, amphitheaters, outdoor concert venues, outdoor luaus, unenclosed theaters, sport courts and fields, and water parks. The term does not include parks (see park), government facilities (see public facility), golf courses (see golf course), privately-owned clubs (see meeting facility, general eating and drinking, golf course, general marine), horseback riding tours (see nature-based recreation), recreational camping (see nature-based recreation), or nature-based recreation uses such as hiking and biking trails that do not involve artificial lighting or support structures other than sanitary facilities. See also agritourism, zoo, animal raising.	Amends the definition of general outdoor recreation to add that the term includes outdoor concert venues, outdoor luaus, and unenclosed theaters.

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26	SECTION 71	§ 21-10.1 Definitions	215	Amend definition of theater.	***Theater.*** [~~A~~] An indoor and enclosed facility primarily for the performing arts or for the viewing of motion picture films. The term includes but is not limited to performing arts centers, concert halls, luau venues, and other types of live theater.	Amends the definition of theater to clarify that it is an indoor and enclosed facility, and that the term includes luau venues.
27	SECTION 72	§ 21-10.1 Definitions	220	Add definition of ʻāina-based education facility.	***Aina Based Education Facility***. A facility designed to support educational programs that are grounded in the cultural, environmental, and community values of ʻāina and is not operated primarily for financial gain.	Adds a defintion of ʻāina-based education facility.
28	SECTION 72	§ 21-10.1 Definitions	220	Amend definition of minor and major animal care.	***Animal care*****.** Providing medical care, grooming, training, or boarding services to household pets [~~owned by other persons~~] as a principal use. The term includes animal shelters, kennels, veterinary clinics, animal clinics, animal hospitals, pet grooming facilities, pet daycare, and pet spas. The term does not include raising and feeding livestock and poultry in confined areas such as pens, stalls, or cages (see confined animal raising), or providing veterinary services to livestock and poultry (see livestock and poultry veterinary service). (1) ***Minor:*** Facilities that do not provide overnight boarding. (2) ***Major:*** Facilities that provide overnight boarding.	Amends the definition of animal care to mean the providing medical care, grooming, training, or boarding services to household pets (deletes reference to "owned by other persons") as a principal use.
29	SECTION 72	§ 21-10.1 Definitions	226	Amend definition of nature-based recreation.	***Nature-Based Recreation.*** A privately-owned and managed permanent facility or area dedicated to outdoor play [~~or~~], outdoor recreation, or aina-based education facilities, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. The term includes picnic grounds, greenways, hiking and bicycling trails, areas for fishing and hunting, limited accessory sports courts and fields, non-motorized access to scenic interests, horseback riding tours, recreational camping, and campgrounds with tents, pavilions, lodges, and cabins. The term does not include parks (see park), golf courses (see golf course), horse stables (see [~~confined~~] major animal raising), accessory agriculture-related tourism or recreation (see agritourism), community recreation centers (see community-based recreation center), hotels (see hotel), and timeshares (see timeshare). See also general outdoor recreation, [~~outdoor~~] minor animal raising.	Amends the definition of nature-based recreation to include ʻāina-based education facilities.
30					Makes conforming amendments throughout the Revised Ordinances of Honolulu 2021, for purposes of the consistent use of terms and citations, including: The term "detached dwelling" no longer used The term "exclusive agricultural sites" no longer used The term "commercial kennel" no longer used Change in definition of the term "livestock"	